IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8858 of 2004

Between:

G. Anantha Reddy, S/o. Narsi Reddy,
R/o. A.P. Residential School, Sarvail Village, Nalgonda District.

..... PETITIONER

AND

1 The Secretary A.P. Residential Education Institutions Society, III Floor, Gagan Vihar, Nampally, Hyderabad.
2 The Secretary, A.P. Tribal Welfare Residential Educational Institutions Society, Masab Tank, Hyderabad.
3 The Principal, A.P. Residential School, Sarvail (Village), Nalgonda District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in transferring the petitioner from the present place vide proceedings No. 9020/A4-1/2004 dated 28-2-2004 issued by the 1st respondent herein and Proceedings in RC.No. 9/A/2001-2004 dated 4-3-2004 issued by the 3rd respondent as arbitrary, illegal and violative of Article 14,21, 39A and 41 of the constitution of India .

Counsel for the Petitioner:MR.RAMA RAO GANTA

Counsel for the Respondents: MR.VIJAYA BHASKAR MOOLA

The Court made the following :

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ORDER:

Heard both counsel appearing for the petitioner as well as respondents. The petitioner questions the order dated 28-2-2004 vide proceedings No.9-20/A4-1/2004 of the first respondent in reliving him from the first respondent society with instructions to report to the second respondent society.

It is stated that consequent to the bifurcation of first respondent society into first and second respondents, the petitioner opted for the second respondent society, but thereafter his application for retention to first respondent society is considered and he has been working in the first respondent society from 2001 onwards but, without issuing any notice and without according any opportunity the first respondent passed impunged order dated 28-2-2004 relieving him from the first respondent society and to report the second respondent society. Consequently orders were also issued allotting him to second respondent society.

The learned counsel appearing for the respondent submits that the petitioner was already relieved by proceedings dated 4-3-2004 and therefore, he cannot be permitted to rejoin at Sarvail School of the respondent No.1.

The said common proceeding dated 25-2-2004 was also questioned by other similarly situated teachers and this court while setting aside the said order, directed the first respondent to give a reasonable opportunity to the petitioner and pass appropriate orders afresh in accordance with law.

Having regard to the facts and circumstances of the case, as the said order dated 28-02-2004, was passed without giving any notice or without according any opportunity, the same is set-aside. The first respondent has to give notice to the petitioner and pass appropriate orders afresh in accordance with law. Now the petitioner already relieved, it is open for him either to work at the second respondent society or to await for the orders that may be passed by the first respondent.

The Writ Petition is accordingly disposed of. No order as to costs.

V.Eswaraiah,J

19th August,2004.

Stp/Usd

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary A.P. Residential Education Institutions Society, III Floor, Gagan Vihar, Nampally, Hyderabad.
2 The Secretary, A.P. Tribal Welfare Residential Educational Institutions Society, Masab Tank, Hyderabad.
3 The Principal, A.P. Residential School, Sarvail (Village), Nalgonda District.

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19th August,2004.